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Letter dated 31 January 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 6 August 2002 (S/2002/906).

The Counter-Terrorism Committee has received the attached supplementary report from Tajikistan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: Russian]

Letter dated 20 January 2003 from the Permanent Representative of Tajikistan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith the response of the Government of the Republic of Tajikistan to your letter of 15 July 2002 (S/AC.40/2002/MS/OC.124) concerning the report of the Government of Tajikistan on measures to combat terrorism submitted pursuant to Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have this response circulated as a document of the Security Council.

(*Signed*) Rashid **Alimov**
Ambassador
Permanent Representative of the
Republic of Tajikistan to the United Nations

Enclosure

[Original: Russian]

Information supplementary to the report of the Government of the Republic of Tajikistan submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Subparagraphs 1 (a) and (b)

Please provide a detailed outline of the provisions of the Act of the Republic of Tajikistan "On combating terrorism" that relate specifically to the suppression of the financing of terrorism and the progress made in enacting and implementing other laws for that purpose.

In order to ensure the protection of the constitutional system of the Republic of Tajikistan and of human and civil rights and freedoms, taking into account the upsurge in terrorism and with a view to its suppression, the programme for intensifying efforts to combat terrorism for the period 1998-2000 was elaborated and approved by Decree No. 707 of the President of the Republic of 21 April 1997, ensuring the coordination of activities for that purpose by law enforcement and other State agencies. In particular, in the section concerning the suppression of the financing of terrorism, paragraph 3, subparagraph 3, of the Decree states that: "Measures shall be taken to identify and suppress the channels of international communication of terrorist groups operating in the Republic of Tajikistan, their financing and deliveries of weapons from abroad".

The Act "On combating terrorism" was adopted in November 1999, in accordance with subparagraph 3 of this Decree. Under article 10 of this Act, knowingly financing or otherwise assisting a terrorist organization or terrorist group is regarded as terrorist activity. Persons who are guilty, directly or indirectly, of providing or collecting funds for the commission of terrorist acts are criminally liable for offences committed by terrorists as accomplices to those offences, as provided in articles 35 to 37 of the Criminal Code of the Republic of Tajikistan. In accordance with article 36, paragraph 1, of the Criminal Code, a person who organizes, instigates or abets an offence is deemed an accomplice to that offence, alongside the perpetrator. Pursuant to article 37, paragraph 1, of the Criminal Code, the liability of the accomplices to an offence is determined by the nature and degree of the actual participation of each of them in its commission, and they are liable for committing specific offences under the same article of the Special Section of the Criminal Code as perpetrators of terrorist acts.

The very fact of collecting funds for the commission of such offences is thus sufficient grounds for the criminal prosecution of the guilty party.

Pursuant to the Act "On combating terrorism", of 16 November 1999, the Government of the Republic of Tajikistan, based on the study and evaluation of documents from the Ministry of Security and other law enforcement agencies of the Republic of Tajikistan and taking into account the legislative and normative-legal acts currently in force, the socio-political situation in the Republic and the likelihood of its giving rise to crime, developed the State programme for intensifying efforts to combat terrorism for the period 2000-2003.

It specifies the following areas for intensifying efforts to combat terrorism:

- Enhancement of the legislative base and establishment of an information-analysis and coordination infrastructure;
- Prevention of acts of terror and other anti-constitutional acts;
- Detection and interception of channels for the movement from abroad into Tajikistan of terrorists, weapons, ammunition, explosives, poisonous and radioactive substances and of channels of terrorist financing;
- Exposure of terror-related crimes committed previously, and identification and neutralization of the groups and persons involved therein;
- Removal of illegally held weapons, ammunition, explosives, poisonous and radioactive substances from criminal elements and from the population;
- Disarming and disbanding of illegal armed units and groups of bodyguards,
- Provision of human resources, equipment and technology to the subdivisions of the entities combating terrorism;
- Expansion of international cooperation in combating terrorism.

Tajikistan is a party to the Inter-State Programme of the Commonwealth of Independent States (CIS) to Combat Terrorism and Extremism up to the Year 2003 and the Inter-State Programme of Joint Measures to Combat Crime for the Period 2000-2003. The Government of the Republic of Tajikistan is taking appropriate measures for their implementation.

The Government of the Republic of Tajikistan and its "power" and law enforcement agencies have made significant efforts to combat crime. This problem has repeatedly been the subject of discussion at various levels, as a result of which legal, organizational and other measures to combat terrorism and other forms of extremism have been taken or are being taken and the anti-terrorism structures of the entities directly combating terrorism have been improved. As a result, a number of highly secretive terrorist groups, including those that enjoyed patronage and underwent special training in the territory of several foreign States, have been identified and neutralized in a timely fashion.

Subparagraphs 1 (c) and (d)

Does Tajikistan have any generally applicable procedures for the freezing and provisional seizure of funds and accounts relating to terrorism and its financing? Are financial institutions, other intermediaries and other natural or legal persons required to report suspicious transactions to the relevant authorities? What penalties apply to those who omit to report?

In accordance with the Act "On combating terrorism" (art. 26), the financing of terrorist acts is a terrorist offence and incurs criminal liability, as stipulated in the article of the Criminal Code.

The normative-legal base currently in force in this area is limited to rules of criminal law stipulating liability for the legalization (laundering) of funds (assets) acquired by unlawful means and for the provision of financial support to terrorism. Thus, a special rule defining the laundering of funds (assets) received by unlawful

means as a criminal offence and establishing criminal liability for it (art. 262) has been incorporated in the Criminal Code.

In conformity with the rules establishing liability for money-laundering, offences involving the receipt of illegal income include any illegal activity specified in the Criminal Code, without regard to the type or nature of the act committed.

The articles of the Criminal Code are designed in such a way as to construe illegal income broadly, without linking it to a specific type of offence (for example, offences involving narcotic drugs alone).

It should also be noted that the Criminal Code stipulates criminal liability for some acts directly involving the use of illegal funds or assets, such as the acquisition or sale of assets known to have been obtained by criminal means (art. 254), illegal enterprise (art. 259), and illegal bank activity (art. 263). No specialized authority for counteracting the legalization (laundering) of income received by unlawful means, the terms of reference of which include tracing and monitoring suspicious financial transactions, has yet been specified in law, nor has any single body with full access to information from the various institutions and departments, reflecting the financial transactions of all economic actors, been defined. Currently, the tasks of identifying and suppressing transactions involving the legalization of criminal income are entrusted to the law enforcement agencies, which carry out their activities in coordination and through the exchange of information with other State bodies and financial institutions. The law does not require financial institutions and other organizations to report suspicious transactions to the law enforcement agencies, nor does it specify what constitutes a suspicious transaction.

The rules of banking legislation regulating the powers of the National Bank of Tajikistan limit access by suspicious funds to the Republic's banking system. In particular, article 18 of the Act "On banks and bank activity" provides for the obtaining on demand of documents confirming the source or origin of funds paid into the core capital of a bank when the bank registers with the State to receive its licence.

In conformity with article 44 of the Act "On the National Bank of Tajikistan", the National Bank of Tajikistan has the right to stop banking operations that, according to the regulations of the National Bank of Tajikistan, display characteristics of suspicious transactions involving money-laundering on the written application of law enforcement agencies, the terms of reference of which include the identification of financial schemes and transactions involving money-laundering.

The rules of criminal law stipulating liability for the laundering of illegal income and the financing of terrorism apply to all financial institutions and organizations without exception.

Confiscation may take place solely on sentencing or on a decision by a court and constitutes an additional penalty for the commission of an offence. Bodies conducting initial inquiries, investigators and prosecutors do not have the right to confiscate assets, etc., during pre-trial investigations. Seizure of assets may take place at the same time as removal or search, or separately. The person carrying out the pre-trial investigation draws up a decision to seize the assets stating the grounds on which it is based. The assets seized are described, in compliance with the rules of articles 169 and 170 of the Code of Criminal Procedure. On seizure of cash deposits, any transactions in relation to such deposits cease.

Subparagraph 2 (a)

Please provide a detailed outline of the provisions of the Act "On combating terrorism" that relate specifically to the matters dealt with in paragraph 2 of the resolution and the progress made in enacting and implementing other laws for that purpose.

The Act "On combating terrorism" (1999) defines the legal and organizational bases for combating terrorism in the Republic of Tajikistan. In accordance with article 10 of the Act, recruitment to terrorist groups, the supply of weapons to terrorists, and the training and use of terrorists are deemed to be terrorist activities and are regarded as complicity in the terrorist offences committed. Persons guilty of recruiting terrorists may be prosecuted under articles 179, "Terrorism", and 187, "Organization of a criminal association", of the Criminal Code. Persons who supply weapons to terrorists are liable under article 195, "Illegal acquisition, transfer, sale, possession, transport or bearing of weapons, ammunition, explosives and explosive devices", of the Criminal Code.

In accordance with article 26 of the Act "On combating terrorism", persons who engage in terrorist activity, provide assistance to terrorists or terrorist organizations, or champion their activities are held liable under article 179 of the Criminal Code.

Pursuant to article 5 of the Act "On combating terrorism", the Republic of Tajikistan is cooperating in the suppression of offences involving recruitment, collection of funds, incitement and other forms of support to terrorism committed outside Tajikistan with the law enforcement agencies and special services of other States and with international organizations combating terrorism. In that connection, the Treaty on Cooperation among CIS Member States in Combating Terrorism, of 4 June 1999, holds a special place among the documents regulating issues relating to cooperation in this area among States and their agencies.

Article 5 of this Treaty provides for the development and adoption of coordinated measures to prevent, suppress and investigate terrorist acts and for mutual notification of such measures, as well as for the adoption of measures to prevent and suppress, in their territories preparations for terrorist acts to be committed in the territory of another party.

In accordance with the Constitution of the Republic of Tajikistan, which guarantees human and civil rights and freedoms, the strengthening of the rule of law and law and order, and, on that basis, the further stabilization of the life of society, the President of the Republic of Tajikistan signed Decree No. 2 of 2 December 1994 "On the voluntary surrender and removal from the population of the Republic of Tajikistan of firearms, ammunition and military hardware". This Decree set specific tasks for the law enforcement agencies and local authorities. In particular, the Ministry of Internal Affairs was entrusted with the disarming of illegal armed groups, the removal from citizens of illegally held firearms, ammunition and military hardware, and the identification of persons not having surrendered such items voluntarily. The Ministry of Security and the Ministry of State Revenue and Taxes were instructed to toughen controls for the suppression of the illegal import and export of firearms, ammunition, military hardware and equipment across the State and customs borders of the Republic of Tajikistan.

This Decree also provides that armed groups and citizens who fail to voluntarily surrender firearms, ammunition and military hardware are liable to criminal prosecution. The Republic's law enforcement and "power" structures have established rules for the registration, bearing and possession of listed weapons, military hardware and ammunition. With the exception of the cases stipulated in the legislation of the Republic of Tajikistan, the appearance of persons in public places with weapons is prohibited. Personal protection for officials of the Republic's State organs, if not provided for in paragraph 8 of this Decree, has been removed.

A national commission has been formed to monitor the removal of firearms, ammunition and military hardware and reports every 10 days to the President on the progress made. Analogous commissions for the implementation of this Decree have been established within regional, town and district ***khukumats*** (administrations).

The Ministry of Culture, the Committee on Television and Radio of the Government of the Republic of Tajikistan and the mass media are raising awareness among the population of the need to voluntarily surrender firearms, ammunition, military hardware and equipment, while the law enforcement agencies' activities in fulfilment of the requirements of the aforementioned Decree are being publicized.

Pursuant to this Decree, the Republic's law enforcement agencies have removed a large quantity of weapons and ammunition from criminal groups and from the population. Efforts to that end are continuing.

In order to regulate the circulation of weapons and ammunition in the territory of the Republic of Tajikistan, in February 1996, the Parliament of the Republic of Tajikistan adopted the Act "On weapons". This Act contains provisions, inter alia, on the restrictions established on the circulation of service and civilian weapons; the licensing of the manufacture of and trade in weapons; entities having the right to acquire weapons; persons not having the right to acquire weapons; the manufacture, import, export, sale and possession of weapons; the registration, bearing, transport, destruction and collection of weapons; the cancellation of licences and permits; and the removal of weapons. In accordance with article 25 of this Act, monitoring of the circulation of weapons in the territory of the Republic of Tajikistan is effected by the internal affairs agencies and the bodies authorized to issue licences for the manufacture of weapons. Persons guilty of violating the procedures for the manufacture of and trade in weapons, and the acquisition, possession, transport, bearing and use of weapons are liable under the legislation currently in force in the Republic of Tajikistan.

The security organs of the Republic of Tajikistan, proceeding on the basis of mutual interest, are implementing appropriate measures for implementing the Protocol on Cooperation and Coordinated Action among the Security Organs and Special Services of the CIS Member States in Combating Terrorist, Separatist and Other Extremist Activity Carried Out under Religious, Ethnic or Political Pretexts. In particular, work has been initiated, in the conditions and under the procedures specified in the Treaty on Cooperation in Combating Organized Crime, of 31 May 1995, with the security organs and special services of the CIS member States on exchanging information on the developing operational situation, the activities of political and religious parties and movements, and organizations and groups carrying out terrorist, separatist and other extremist activity under religious, ethnic or political pretexts, their structures, sources of financing, leaders and members and

the forms, methods and areas of their activities that constitute a threat to the security of the CIS member States.

In addition, working meetings and mutual consultations are being conducted with representatives of the security agencies and special services of Kazakhstan, Kyrgyzstan, the Russian Federation and Uzbekistan for the purpose of exchanging experience of work relating to the subject of this Protocol.

The legislation of the Republic of Tajikistan prohibits the establishment and activities of illegal armed groups in the territory of the Republic of Tajikistan. In accordance with article 185 of the Criminal Code, the establishment of an illegal armed unit (association, detachment, militia or other group) and leadership of or participation in such a unit are punishable by imprisonment for five to eight years.

Subparagraph 2 (b)

Does Tajikistan have a body specialized in counter-terrorism, or is that the responsibility of a number of departments or agencies? How is coordination between the various entities effected? Other questions relating to paragraph 2 of the resolution.

In accordance with article 6 of the Act "On combating terrorism", counter-terrorism is one of the priorities of the State, which performs its functions in that area through its legislative, executive and judicial bodies.

The entities combating terrorism are subdivided into those directly combating terrorism and those participating in counter-terrorism efforts. The Government of the Republic of Tajikistan is entrusted with overall leadership of the fight against terrorism. In accordance with articles 7 and 9 of the Act, the entities directly combating terrorism — which includes ensuring their own security against terrorists, within their terms of reference, as defined by the Constitution of the Republic of Tajikistan, this Act, other laws and other normative-legal acts — are:

The Ministry of Security;

The Ministry of Internal Affairs;

The Ministry of Defence;

The Ministry for Emergencies;

The Committee for the Protection of the State Border of the Government of the Republic of Tajikistan;

The presidential guard.

The entities participating in counter-terrorism efforts are:

The Ministry of Justice;

The Ministry of Foreign Affairs;

The Ministry of State Revenue and Taxes and other executive bodies.

The organs of the Prosecutor's Office and the courts of the Republic of Tajikistan are participating in counter-terrorism efforts in the conditions and under the procedures stipulated in the Constitution and laws of the Republic of Tajikistan and its legislation on criminal and civil procedure.

The main entity directly combating terrorism is the Ministry of Security, which coordinates the activities of the entities combating terrorism, gathers, analyses and generalizes information on the situation and trends with respect to terrorism, including information entered into the centralized interdepartmental databank on terrorist issues by the entities combating terrorism, and makes proposals for the improvement of the legislation on counter-terrorism, in accordance with the established procedure.

Pursuant to article 5 of the Act, the Republic of Tajikistan, in conformity with its international treaties, is cooperating in the fight against terrorism with other States, with their law enforcement agencies and special services, and with international organizations combating terrorism.

In particular, in accordance with article 5 of the Treaty on Cooperation among CIS Member States in Combating Terrorism (2000), the competent organs of the countries effect cooperation and provide assistance to one another through:

Exchange of information;

Fulfilment of requests for the conduct of operational and investigative measures;

Development and adoption of coordinated measures to prevent, identify, suppress and investigate terrorist acts and mutual notification of such measures;

Adoption of measures to prevent and suppress, in their territories, preparations for terrorist acts to be committed in the territory of another party;

Provision of assistance in evaluating the status of systems for the physical protection of installations presenting a heightened technological and environmental threat and in developing and implementing measures to improve such systems;

Deployment, on agreement between the parties concerned, of special anti-terrorist units to provide practical assistance in suppressing terrorist acts and in dealing with their consequences.

The prevention of terrorist activity also entails the implementation of other measures stipulated in the legislation of the Republic of Tajikistan and in international treaties.

Subparagraph 2 (c)

Please elaborate on the legal provisions for the exclusion from Tajikistan of asylum-seekers, and others, who are persons of the kind mentioned in subparagraph 2 (c) of the resolution.

In May 2002 the Majlis-I Olii adopted an Act "On refugees", which determines the grounds and the procedure for according refugee status to asylum-seekers in the Republic of Tajikistan, establishes economic, social and legal guarantees for the protection of the rights and legitimate interests of refugees, and defines the legal status of a refugee. Article 3 of the Act provides for a restriction on the granting of refugee status in the Republic of Tajikistan to the following persons:

– Persons in respect of whom there are adequate grounds for believing that they have committed a crime against the peace, a military crime or a crime against

humanity as defined by the international instruments concluded with a view to the adoption of measures in relation to such crimes;

- Persons in respect of whom there are adequate grounds for believing that they have committed a grave crime of a non-political nature outside the Republic of Tajikistan before arrival in its territory and who are applying for refugee status;

- Persons in respect of whom there is information about a possible connection with the secret service bodies of the State of which they are nationals, international terrorist organizations, or drug trafficking structures;

- Persons in respect of whom there are adequate grounds for believing that they are guilty of committing acts that run counter to the purposes and principles of the United Nations and the Organization for Security and Cooperation in Europe;

- Persons who have abandoned the State of which they are nationals (their previous place of residence) for economic reasons as a result of hunger, epidemics or natural or man-made emergencies.

The State administrative bodies in charge of implementing the policy with regard to refugees are the bodies responsible for immigration; security; internal affairs; foreign affairs; protection of the State border; and the local executive bodies.

Pursuant to article 5 of the Act, each of these bodies has been granted appropriate powers. The coordination of their activities on refugee matters is the responsibility of the State body responsible for immigration, which was established by Government Decree No. 555 of 25 December 1997.

Pursuant to article 7, the rights of asylum-seekers who have applied for refugee status may be restricted in the cases envisaged by the laws and other regulatory and legal instruments of the Republic of Tajikistan in order to ensure the protection and security of the State, the preservation of the foundations of the constitutional order, and the protection of morality, health, and the rights and freedoms of other persons.

Refugee status is lost, under article 13 of the Act, in the event that the person concerned:

- Deliberately provided false information, or submitted forged documents as a basis for obtaining refugee status;

- Poses a threat to national security, the foundations of the constitutional order, law and order, or public health and morality.

Subparagraph 2 (d)

Please describe the legal and other measures available in Tajikistan to prevent the use of its territory for terrorist acts outside Tajikistan.

The basic legal measure to prevent the use of the territory of Tajikistan for the perpetration of terrorist acts in other States is the Penal Code. The provisions of article 14, defining the extent of operation of the law, establish responsibility for a crime which:

- Was begun, continued or completed in the territory of the Republic of Tajikistan (part two, paragraph (a));
- Was committed in the territory of the Republic of Tajikistan, but the criminal outcome took place outside Tajikistan (part two, paragraph (b));
- Was committed in complicity with persons engaged in criminal activity in the territory of another State (part two, paragraph (d)).

Part three, article 14, of the Penal Code provides that the criminal legislation of the Republic of Tajikistan has effect regardless of the laws of the place where a crime was committed in the case of acts endangering the public which are perpetrated on board an aircraft or a ship legally travelling under the flag or distinguishing signs of the Republic of Tajikistan. At the same time, part two, article 16, of the Penal Code provides that foreign nationals and stateless persons who have committed a crime outside the Republic of Tajikistan and are present in its territory may be extradited to a foreign State for the purposes of criminal prosecution or to serve a sentence in accordance with an inter-State treaty. This situation makes it impossible for persons who have committed a crime in the territory of another State to go into hiding in the territory of the Republic of Tajikistan.

Subparagraph 2 (e)

What is the competence of the courts of Tajikistan to deal with criminal acts of each of the following kinds: an act committed outside Tajikistan by a person who is a citizen of, or habitually resident in, Tajikistan (whether that person is currently present in Tajikistan or not); and an act committed outside Tajikistan by a foreign national who is currently in Tajikistan?

This situation is governed by the provisions of part one, article 15, of the Penal Code which establish that nationals of the Republic of Tajikistan, and also stateless persons who reside permanently therein, are liable under this Code for crimes committed in the territory of another State if they have not been sentenced in another State for that crime. Pursuant to part two, article 15, of the Penal Code, foreign nationals and stateless persons who do not reside permanently in the Republic of Tajikistan are liable under this Code for crimes committed outside Tajikistan in the following cases:

(a) If they committed a crime envisaged under the norms of international law recognized by the Republic of Tajikistan or under inter-State treaties and agreements;

(b) If they committed a particularly grave or a grave crime (the commission of terrorist acts falls within the category of particularly grave crimes, under article 18 of the Penal Code) against nationals of Tajikistan or the interests of the Republic of Tajikistan.

Pursuant to part three of that article of the Penal Code, these rules apply if foreign nationals and stateless persons who do not reside permanently in the Republic of Tajikistan have not been sentenced in another State. The basic instrument regulating questions connected with the organization of efforts to combat terrorism, defining the competence of the bodies of the Republic of Tajikistan in this area, and establishing a range of measures for protection from terrorism, is the Act "On combating terrorism". In addition, another important measure preventing the

use of the territory of the Republic of Tajikistan for terrorist acts in other countries is the Convention on judicial assistance and judicial relations in civil, family and criminal matters, Minsk, 22 January 1993, which has been signed by the Republic of Tajikistan. Pursuant to article 72 of the Convention, the Republic of Tajikistan, unless otherwise provided in domestic law, is required to undertake criminal prosecution of persons who have committed a crime in the territory of a State party to the Convention when so requested (art. 73 of the Convention), to extradite a person who has committed a crime (art. 56 of the Convention) and, if necessary, to carry out investigatory activities to establish that a crime has been committed (arts. 4, 5, 6, 7 and 8 of the Convention). Jurisdiction over crimes committed in the territory of several States parties to the Convention is defined under article 77 of the Convention. The Republic of Tajikistan is also a party to the Treaty on cooperation among the States members of CIS in combating terrorism. This Treaty supplements the obligations of States parties to the Convention in the sphere of counter-terrorism.

Subparagraph 2 (f)

Please provide a list of the bilateral and multilateral treaties on mutual assistance in criminal matters to which Tajikistan is party.

Pursuant to the Minsk Convention on judicial assistance and judicial relations in civil, family and criminal matters, of 22 January 1993, the Treaty on cooperation in combating organized crime of 31 May 1995 and the Treaty on cooperation among the States members of CIS in combating terrorism of 4 June 1999, the investigatory bodies of the Republic of Tajikistan conduct certain work in conjunction with the investigatory bodies of the States members of CIS in the area of criminal investigations and prosecution in combating terrorism and extremism. The Concept and Agreement on cooperation among the CIS countries in combating crime, the international treaties signed on cooperation in counter-terrorism, illegal migration, the procedure for the stay and cooperation of members of law enforcement bodies in the territory of the States members of CIS and other instruments have made it possible to intensify and enhance cooperation with the CIS countries in combating crime. Tajikistan has acceded to and is a party to the following international anti-terrorist conventions and protocols:

The Convention on Offences and Certain Other Acts Committed on Board Aircraft, of 1963;

The Convention for the Suppression of Unlawful Seizure of Aircraft, of 1970;

The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1971;

The Convention on the Physical Protection of Nuclear Material, of 1980;

The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1971;

The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973;

The International Convention for the Suppression of Terrorist Bombings, of 1997;

The International Convention against the Taking of Hostages, of 1979.

The Convention on the Marking of Plastic Explosives for the Purpose of Detection, of 1990, and the International Convention for the Suppression of the Financing of Terrorism, of 1999, are currently at the stage of ratification in the national Parliament.

The domestic procedures have been completed, and the Majlis-I Olii (Parliament) of the Republic of Tajikistan has ratified, the following instruments:

The Protocol to the Convention on judicial assistance and judicial relations in civil, family and criminal matters, of 1997;

The Agreement on cooperation among the States members of CIS in the control of illegal migration, of 1998;

The Agreement on cooperation among the States members of CIS in combating crime, of 1998;

The Treaty on the procedure for the stay and cooperation of members of law enforcement bodies in the territory of the States members of CIS, of 1999;

The Treaty on cooperation among the States members of CIS in combating terrorism, of 4 June 1999.

The legislation in force in Tajikistan allows for the possibility of seizing the property and assets of individuals and legal entities at the request of foreign partners only on the basis of duly formulated requests for the provision of judicial assistance in relation to criminal cases which they are prosecuting.

In order to accelerate the procedure for the execution of such requests in cases connected with crimes of a terrorist nature, agreements have been reached with the representatives of certain countries on the appointment of a coordinator by both sides on questions of cooperation in this area.

The General Prosecutor is responsible for coordinating the execution by the law enforcement bodies of the Republic of Tajikistan of requests for the provision of judicial assistance in criminal cases or terrorist crimes.

Subparagraph 2 (g)

Please describe the mechanism for inter-agency coordination between the authorities responsible for narcotics, financial tracking and security, with particular regard to border controls necessary to prevent the movement of terrorist groups.

The activities of the authorities responsible for narcotics are coordinated by the Drug Control Agency within the Office of the President of the Republic of Tajikistan. The activities of the authorities engaged in counter-terrorism are coordinated by the Ministry of Security. The Government Committee on the protection of the State border conducts efforts to combat terrorism by means of: the detection, prevention and suppression of attempts by terrorists to cross the State border; the suppression of illegal movement across the State border of weapons, ammunition, explosive, toxic and radioactive substances and other items which may

be used for terrorist purposes. The Ministry of State Revenue and Taxes participates in efforts to combat terrorism by halting the illegal movement across the customs border of weapons, ammunition, explosive, toxic and radioactive substances and other items which may be used for terrorist purposes.

What measures have been taken to prevent the counterfeiting, forgery or fraudulent use of identity papers and travel documents (as distinct from the punishment of persons who do so)?

In order to increase the security of Tajik national passports, the Ministry of Internal Affairs, through a manufacturing firm, has taken steps to make some changes in passport forms so as to protect them from forgery.

Thus, the stamped seals are not placed on the laminated sheet, as before, which made it easy to change the photograph of the holder on the passport; they are now placed directly on the photograph of the holder, after which the surface of the part of the passport bearing the photograph and identifying data of the holder is laminated.

How does Tajikistan secure its extensive borders against unauthorized crossings?

The protection of the State border of the Republic of Tajikistan against illegal crossings is ensured by the Government Committee on the protection of the State border and, under an intergovernmental agreement, by the federal border service of the Russian Federation.

Subparagraphs 3 (a), (b) and (c)

Is there an institutional mechanism for implementing subparagraphs 3 (a), (b) and (c) of the resolution?

Pursuant to article 11 of the Treaty on cooperation among the States members of CIS in combating terrorism, the competent bodies of the parties exchange information on matters of mutual interest, including:

(a) Materials circulating in the territories of their States containing information on terrorist threats, terrorist acts which are under preparation or have been perpetrated, and intentions of individuals, groups of individuals or organizations to commit terrorist acts which have been detected;

(b) Acts of terrorism under preparation which are directed against State leaders, internationally protected persons, members of diplomatic missions, consular establishments and international organizations of the parties, and participants in State visits and in international and national political, sports and other events;

(c) Cases of illegal circulation of nuclear materials, chemical, bacteriological (biological) weapons or their components, highly toxic chemical substances, or pathogenic micro-organisms;

(d) Terrorist organizations, groups and individuals posing a threat to the security of their States, and the establishment of contacts between terrorist organizations, groups or individuals;

(e) Illegal armed formations using terrorist methods, and their structure, members, goals and objectives;

(f) Methods, ways and means of terrorist activity which have been detected;

(g) Logistical and supply facilities which the parties may make available to each other within the limits of their possibilities;

(h) Legislative practice and other regulation of issues associated with the subject of the Treaty;

(i) Detected and presumed channels of financing and illegal procurement in the territory of their States of weapons and other means of committing terrorist acts;

(j) Terrorist encroachments in violation of the sovereignty and territorial integrity of the parties;

Other matters of interest to the parties.

Subparagraph 3 (c)

What is the legal basis for extradition in Tajikistan? In particular: is it governed, in any respect, by legislation? If so, please outline the legislation. Is it contingent, in any respect, on the existence of bilateral treaties? If so, please provide a list of the countries with which Tajikistan has concluded relevant bilateral treaties.

Pursuant to article 80 of the Minsk Convention on judicial assistance and judicial relations in civil, family and criminal matters, relations on questions of extradition, criminal prosecution, and also the execution of requests for judicial assistance, which affect the rights of citizens and require approval by a prosecutor, are conducted by the general prosecutors (prosecutors) of the Contracting Parties.

It should be noted that the question of extradition is also governed by the legislation of the Republic of Tajikistan. Thus, pursuant to article 16 of the Penal Code of the Republic of Tajikistan, the extradition of persons who have committed a crime takes place in the following cases:

1. A national of the Republic of Tajikistan who has committed a crime in the territory of another State is not liable to extradition to that State, unless otherwise envisaged in inter-State treaties or agreements.

2. Foreign nationals and stateless persons who have committed a crime outside the Republic of Tajikistan and are present in its territory may be extradited to a foreign State for criminal prosecution or to serve a sentence in accordance with an inter-State treaty.

Subparagraph 3 (d)

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Tajikistan in: becoming a party to the instruments to which it is not yet a party; and enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.

See commentary to subparagraph 1 (a) and (b).

Subparagraph 3 (e)

Have the offences set forth in the relevant international conventions and protocols been included as extraditable offences in the relevant bilateral treaties (if any) to which Tajikistan is party?

Tajikistan has not concluded bilateral treaties with other States concerning the offences set forth in the relevant international conventions and protocols which are extraditable offences. At the same time, extradition to CIS States takes place in accordance with article 36, paragraphs 2-3 of the Minsk Convention on judicial assistance and judicial relations in civil, family and criminal matters:

Extradition for the purposes of criminal prosecution takes place for acts which are punishable under the laws of the requesting and the requested Contracting Parties, and for the commission of which punishment is envisaged in the form of deprivation of liberty for a period of at least one year or a heavier punishment;

Extradition for the purposes of executing a sentence take place for acts which are punishable under the laws of the requesting and the requested Contracting Parties, and in respect of which the person whose extradition is being sought was sentenced to deprivation of liberty for a period of at least six months or a heavier punishment.

Subparagraph 3 (f)

Please elaborate on the legislation, procedures and mechanisms which are in place for ensuring that refugee status is not granted to asylum-seekers who have been involved in terrorist activity.

See commentary to subparagraph 2 (c).

Subparagraph 3 (g)

Is it possible under the law of Tajikistan for requests for the extradition of alleged terrorists to be refused on political grounds?

The law of Tajikistan does not provide for the possibility of requests for the extradition of alleged terrorists to be refused on political grounds.

Paragraph 4

Apart from the Presidential Decrees "On measures to intensify efforts to combat crime and to strengthen law and order" and "On urgent measures to combat the illicit traffic in narcotic drugs" has Tajikistan addressed any of the concerns expressed in paragraph 4 of the resolution?

See commentary to subparagraph 2 (f).

With a view to fuller implementation of the requirements of Security Council resolution 1373 (2001), the Republic of Tajikistan is engaged in bilateral and multilateral cooperation in combating terrorism on the basis of:

- The Agreement on cooperation among the States members of CIS in combating crime, of 1998;
- The Programme of the States members of CIS to combat international terrorism and other forms of extremism up to the year 2003;

- The inter-State programme of joint measures to combat crime for the period 2000-2003;

- Other international agreements in the area of combating terrorism and other forms of extremism, for example, the Memorandum on cooperation among the law enforcement bodies and secret services of the Kyrgyz Republic, the People's Republic of China, the Republic of Kazakhstan, the Republic of Tajikistan and the Russian Federation (1999); and the Agreement on cooperation between the Ministry of Information of the Islamic Republic of Iran and the Ministry of Security of the Republic of Tajikistan (1999). Agreements in the sphere of counter-terrorism have also been signed with the People's Republic of China and Turkey.

The decision of the Council of Heads of State of CIS of 25 January 2000 "On combating international terrorism in the light of the outcome of the Istanbul summit of the Organization for Security and Cooperation in Europe" reflected a further development of the agreed strategy to counteract international terrorism.

In 1998 a national programme entitled "Comprehensive measures to combat illicit trafficking of drugs, psychotropic substances and precursors, and for the treatment and rehabilitation of drug addicts, 1999-2000" was adopted.

By a Decree of the President of the Republic of Tajikistan No. 1218 of 1 June 1999, the Drug Control Agency was established within the office of the President of the Republic of Tajikistan.

Annual joint command/staff exercises "Southern shield of the Commonwealth" and comprehensive operational and tactical exercises under the leadership of the CIS Anti-Terrorist Centre "South — Anti-Terror", in which counter-terrorist sub-units of the Ministry of Security have taken an active part, have become essential measures in the area of counter-terrorism.

The representative of the Republic of Tajikistan to the regional division of the CIS Anti-Terrorist Centre in Bishkek, Kyrgyz Republic, has taken up his post.

(*Signed*) S. **Zukhurov**
Deputy Prime Minister